

## **REMARKS**

The Office Action mailed April 10, 2008 has been received and carefully noted. Claims 1-21 are currently pending in the subject application and are presently under consideration. The Applicants respectfully note that claims 22-26 were canceled in a previous Amendment. Thus, their rejections in the Office Action mailed April 10, 2008 are moot.

Claims 1, 6, 12, 15, and 19 have been amended and claims 27-31 have been added herein. Support can be found in at least pages 10 and 11 of the Specification. A listing of claims can be found on pages 2-6 of this Response.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

### **I. Rejection of Claims 1-21 Under 35 U.S.C. § 103(a)**

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Strömbergson *et al.* (U.S. 6,807,621), in view of Harris (U.S. 6,260,138). The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Strömbergson *et al.* and Harris, alone or in combination, do not teach or suggest all the claim limitations.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

*Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). See MPEP § 706.02(j). In particular, amended independent claims 1, 6, 12, 15, and 19 recite: “the first device to identify and flush a segment that is subsequent to a switch point [associated with an instruction occurring after a mispredicted instruction]” or analogous aspects. Strömbergson *et al.* and Harris, alone or in combination, fail to teach or suggest these aspects.

Strömbergson *et al.* discloses a “flush mode,” where “*all* instructions handled by said unit/stage are canceled marked” (emphasis added) (See Strömbergson *et al.*, col. 10, ll. 31-33, col. 13, ll. 21-23). However, the flush mode setting that causes all instructions of the unit to be

flushed does not teach or suggest any identification process by the unit of a particular instruction to be flushed, much less an identification and flushing with reference to a switch point. Rather, Strömbergson *et al.*'s flush mode automatically flushes **all** instructions and therefore does not have any need or concern for **identifying** an instruction that is subsequent to a switch point. Thus, Strömbergson *et al.* is silent regarding the recited aspect of "the first device to identify and flush a segment that is subsequent to a switch point."

Harris does not cure the aforementioned deficiencies of Strömbergson *et al.* Harris discloses an example of instruction paths that have been bifurcated at various branch points, in which each instruction path is tagged with a "priority tag." The example of Figure 6 illustrates three bit priority tags that would therefore be able to prioritize up to eight branches (*See* Harris, col. 7, ll. 1-8). After the priorities are allocated to the individual instruction paths, the instructions are then dispatched to execution units for execution. However, Harris is silent regarding flushing segments or instructions.

Each of the dependent claims depends from one of independent claims 1, 6, 12, 15, and 19, thus incorporating the respective limitations thereof. For at least the above reasons relating to the amended independent claims, Strömbergson *et al.* and Harris, alone or in combination, do not teach or suggest all the claim limitations of the dependent claims. Accordingly, it is respectfully requested that these rejections be withdrawn.

### CONCLUSION


In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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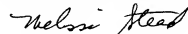
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### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office electronically via EFS Web on the date shown below.

 7-10-08  
Melissa Stead Date